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WASHINGTON, D. C., THURSDAY, APRIL 11, 1907-TWENTY-TWO PAGES.

TWO CENTS.

THAW JURY HAS NOT YET AGREED

Long Night Vigil and Many Hours of Argument Fail to Get a Verdict.

JURYMEN SHOW THE STRAIN her distressing story in her husband's behalf.

Two of Them Are Almost on the Verge of Collapse, but Hold to Their Views.

DEFENDANT IS VERY CHEERFUL

He Writes a Note to the Reporters-Evelyn Nesbit Thaw's Testimony and the Evidence of Other Witnesses Read to the Jury.

hands the fate of Harry K. Thaw was given at 5:17 o'clock yesterday afternoon reported before Justice number of the exhibits introduced during the trial, and also asked to have read to it the testimony of dence took several hours.

The strain under which the jurors had labored since their retirement white, and the whole effect one of witness, Henry F. Blaize, haggardness. It was evident that sleep had been a stranger to their consultation room last night. Jurors Pink and Steele seemed especially to have suffered in the long vigil. During the long time it required the court stenographer to read the testilounged back in their chairs and appeared to keep awake only with the

When Harry Thaw was called to the bar he entered the room with a quick stride and bright eyes, and carrying half a dozen morning newspapers. His manner and appearance bore out the statements of his counsel earlier in the day that he apparently was in better shape physically than any other person connected with the long and tedious trial.

The jury retired again to resume its deliberations at 1:30 p.m., after having listened to the reading of testimony for two hours and a half.

NEW YORK, April 11.-The jury in the

Special Dispatch to The Star.

the evidence of Meyer Cohn be read to them. This was done, and after receiving the exhibits the jurors returned to the jury

face and he spoke with a show

The big hat of velvet which, while she was giving her testimony, added to the schoolgirl effect, had given way to a flat hat of black straw, about which was a thin black veil. The young woman looked plainly worried, and her smile as she greeted her hus-

Delmas Hopeful.

Lawyer Delmas, who invented "dementia Americana," was among those crushed through with the advance crowd. The Californian was as suave and smiling as ever. His voice was as clear as if he had not talked for more than six hours two days before. He had nothing to say about the probable outsome, except that he was "hopeful." Thaw's other attorneys had been in the building early, but busied them-After deliberating for many hours | selves for the most part with looking after without being able to reach an the women members of the Thaw party. agreement, the jury into whose Later John B. Gleason, who opened the case by Daniel O'Reilly.

District Attorney Jerome was at his seat inside the rail ready for the outcome. With Fitzgerald at 11 a.m. today, and him was Assistant District Attorney Frank asked permission to examine a large Garvan, whose burden during the case has continuously at work on it since June 25 of last year. He has taken more than 400 statements, and has heard stories running several of the eye-witnesses to the up into the thousands. From all this the tragedy. The reading of this evi- mass of evidence that has been presented against the defendant has been sifted.

The jury asked that the evidence of certain witnesses be read, which was done by the clerk in a droning, monotonous voice, vesterday afternoon was plainly The first evidence read was that of Meyer written upon their faces. Their eyes | Cohn, one of the witnesses of the shooting, were red, their cheeks a chalky and after that the evidence of another eye.

Asked for Exhibits.

jury might be trying to determine with what degree of deliberation Thaw shot

When the jurors took their seats Justice Fitzgerald said: "A communication from mony they desired the jurymen the ury saying, Kindly let us have the following for examination: First, the plan of the roof garden; second, defendant's letters, ter; fourth, the will and codicil; fifth, the Delmas hypothetical question, and sixth. the Jerome hypothetical question."

> "I have no objection," said Mr. Jerom-Juror No. 1 got up to ask if they migh not have the transcript of the letters and will. It was decided to give them both the

While the clerk was reading the test mony one of the district attorney's clerks of the jurors. The jury listened to the reading with most concentrated attention The jurors also wanted to hear the testimony of Paul Brudi, the fireman, who took clear on what had occurred before the actions before the killing, for they also ase of Harry K. Thaw had still failed to wanted the evidence of Warren Paxton, curences of the night of June 25.

> Then a juror asked for the reading of the evidence of James Clinch Smith, White's brother-in-law, who testified to Thaw's conversation with him before the tragedy.

Police Learn Lesson.

The police had learned their lesson from vesterday's crowd, and the corridors of the riminal courts building looked more like the halls of a court house and less like a foot ball field than they did yesterday. The corridors were swept clear of all those which yesterday filled the corridors today gathered in the streets outside the building. Franklin street was full of a gaping tention, as if something was likely to leak out through the cracks of the windows or under the sills of the doors. Every time anybody who looked like one whose picture Every lawyer who had a case in the building today got more attention than if he had been a pitcher on a championship

Watched the Bridge.

was drawn, and there were deep rings un- court building some one would yell, "There he comes!" But "he" did not come, and the crowd still waited ex-

There were rumors of all sorts, and been voting 10 to 2 in favor of acwere holding out for murder in the first and became more interested than ever. were her blue dress in which she was degree. Another rumor had the jury He held his head to one side as if to hear 6 to 6, and still another report had it that



the jury stood 10 to 2 for conviction in man in the crowd went around saying that he understood that the jury stood 9 for acquittal, 2 for conviction and 1 for disagreement, and believed what he

for breakfast. The jury had a hard night of it. Some of the jurors looked as if if they had had no sleep at all and a lot of worrying during the night hours. This was jurors were langing out against the others. Usually when this happens in the case of i jury the majority divides itself into shifts, some of whom argue with the men who disagree while the others sleep. This, it was

said, would account for the fact that some of the twel ' men looked more tired than At 8:45 o'clock the jury finished breakfast and walked back from the Broadway Central to the criminal courts building, escorted by the officers sworn in especially for ette street, crossed through to the criminal courts building and went directly back to the jury room. The jurors were apparently in a happy mood, for they laughed and

There were those who took this as an The only incident that happened on the way was when a newsboy held up a paper with 'disagreement' smeared all over its first page for them to see. Capt, Lynch pushed the boy out of the way, but did not arrest

Thaw's Statement.

Thaw prepared a statement this morning to be given to the public. He wrote it himself with a lead pencil, and gave it to Deputy Warden John Hanley, with instructions that it might be copied, but should not leave Mr. Hanley's hands. The exact wording of the statement was as folows: "I am told it is impossible to tell what any jury will do, so I am attending the best, as it is simpler to unpack my things, if necessary, than it would be to return here for them if the verdict is favorable I had a very good cold bath. The bath 100m is always filled with fresh air early in the morning, the same temperature as outdoors. I had weak coffee and rolls, as usual. These details must have interested us, as they are often misstated. "HARRY K. THAW."

While the testimony as to the events on if he were trying to read their minds. under his arm. His smile as see, but each one surely anticipated seeing The jurors never glanced at him. Most of them leaned their heads on their hands. all giving the most concentrated attention to the reading. They were much more deeply absorbed in this repetition of familiar evidence then they had been when it was originally given from the witness

Much Interested.

that the jury wanted to hear the testimony of James Barrett, doorman in the Thaw's hearing voices of girls while he was in his cell in the station house after the shooting, Thaw leaned far forward

COLD OPENING FOR FANS

THE ONLY WAY.

POINT FOR FIRST BALL GAME.

son of the National League for 1907 will open here this afternoon with a game between the Chicago and St. Louis clubs. Weather conditions were anything but the base ball variety, the thermometer registering near the freezing point. On account of the cold considerable uncertainty existed regarding the batteries of the two teams. Manager Chance of the Chicago team announced, however, that either Lundgren or Pfeister would occupy the box for the home team, with the orders slightly in favor of the former, while Moran or Kling will do the backstop work. Fromme or Karger will probably pitch for St. Louis, with Marshall behind the bat.

Game Postponed at Boston. BOSTON, April 11.-The opening base ball game of the season, between the Boston and Brooklyn teams of the National League, scheduled here for today, was postponed on account of the cold weather and unsuitable grounds. If conditions are favor-

able the game will be played tomorrow. Threatening Weather at St. Louis. ST. LOUIS, Mo., April 11.-Lowering clouds and a cold wind threatened this forenoon to prevent the opening base ball game between the American League clubs of Chicago and St. Louis. By noon the conditions were more promising. The batteries will be: St. Louis, Howell and Buelow; Chicago, Walsh and Sullivan. chatted together as they walked down in

Only the regular players of the Chicago team will play, no new men having been brought along. Cloudy Sky at Detroit.

DETROIT, Mich., April 11.—The base ball

noon with a game between the Detroit and Cleveland teams, under a cloudy sky, and with the temperature about 40 degrees. Interest is great and soon after noon scores of enthusiasts began passing into the park. Detroit will present either Mullin or Slever as pitcher with Schmidt or Payne catching, and for Cleveland either Liebhardt or Joss will pitch to Clark or Bemis.

Great Interest at Cincinnati.

CINCINNATI, Ohio, April 11.-Cool and interest in the opening of the National Gibson for Pittsburg. The two bleachers began to fill as early as noon.

RESIGNATION CONFIRMED. Retirement of Rev. Dr. Steele in New

York a Surprise.

Special Dispatch to The Star. NEW YORK, April 11.-The report that the Rev. Dr. James N. Steele of 22 West 73d street has resigned from the vicarship of Trinity Church, at Broadway and Wall street was confirmed yesterday by the Rev. Dr. Morgan Dix, rector of the church. That the resignation was sudden and unexpected by every one connected with the parish was evident from the fact that Dr. Steele's resignation was not even known by his son this morning and that officers of the church were greatly surprised to hear of the resignation and said that they could not believe it until the announcement was verified by Dr. Dix or by Dr. Steele himself. Dr. Dixwould give no reason for the resignation, but it is believed that the vicar's health has not been of the best of late and

GEN. GRIFFIN DEAD.

He Served in the Civil and Spanish-American Wars.

Special Dispatch to The Star. SCHENECTADY, N. Y., April 11.-Gen. Eugene Griffin, first vice president of the General Electric Company, died at the Mohawk Club at 1 o'clock this morning from a stroke of apoplexy, after attending the annual performance of Schenectady's Jest and Song Club.

WEATHER NEAR FREEZING second lieutenant in the Engineer Corps of the regular army. In the fourteen years which followed he rose to the rank of cap-

1889, he married Miss Allie Hancock. In the following October he resigned his post to Spanish-American war, however, called him again to service in the army, ranking first as colonel in the 1st Regiment, United States Volunteer Engineers, which he or-

volunteers. While engaged in business Gen. Griffin was connected with the Thomson-Houston Electric Company and later with the Brit-ish Thomson-Houston Company. He was an expert electrical engineer He was a member of the Union, University. Army and Navy clubs in New York and several others in Washington, Boston

OGDEN RE-ELECTED PRESIDENT. Officers Chosen for Conference for

ference for Education in the South today

President, Robert C. Ogden, New York: vice president, J. Gundy Jordan, Georgia; secretary, B. J. Baldwin, Alabama; treasurer, William A. Blair, North Carolina. Executive committee, S. C. Mitchell, Virginia, chairman; W. H. Hand, South Carolina; S. A. Mynders, Tennessee; George J. Ramsey, Kentucky; Harry Hodgson, Georgia; Erwin Craighard, Alabama; Paul H. Saunders, Mississippi; James H. Dillard and John H. Hinemon, Arkansas.

"Better Condition for Southern Farms' was the subject of an address this forenoon by Dr. Seamon A. Knapp of Lake Charles, La., special agent, United States Department of Agriculture. Dr. Knapp spoke of the advantages to be derived by the farmers in developing the soil, and in this manner increasing the output of their acreage. Other speakers were T. O. Sandy, Farm-ville, Va.; E. McIver Williamson, Mont-claire S. C., and Dr. L. H. Bailey, professor of Agriculture in Cornell University.

PARIS, April 11.-Up to 11 o'clock this cloudy weather did not seem to affect the strike movement had begun here. The League base ball season by the Pittsburg police patrolled the principal thoroughfares and Cincinnati teams today. Preceding the and the public buildings generally were game a band concert was announced and guarded by detachments of the Republican

DON'T LIKE ORATORY.

and Jerome.

Special Cablegram to The Star. LONDON, April 11.-The Evening Standard, in an editorial article headed "Dementia Americana," says, referring to the that he will take a much needed rest.

tain in the corps.

While on Governor's Island, in April, Rico during 1898 and 1899. On January 21.

Education in the South. PINEHURST, N. C., April 11.-The Con-

elected officers, as follows:

TROOPS PATROL PARIS.

Frecautions Taken to Prevent Any Strike Disturbance.

morning there was no indication that a stores were open as usual, but bicycle an address by Mayor Dempsey to the two which occupy the interior of the various town halls, while at the barracks in the vicinity of the labor exchange a battalion

English Newspapers Criticise Delmas

comparison between certain aspects of English and American justice, which is provoked by the Thaw trial, that the oratory of Delmas and Jerome, in addressing the jury, suggests a contrast more significant than any previously observed. It says: "The nature of this oratory will produce a pretty general agreement among English readers. It is what may be vulgarly described as flapdoodle. Delmas was either the greater sinner or the greater artist. The description depends on one's point of view. They talked to the jury as though they possessed a few raw emotions and ho brains whatsoever. Each flung his flowers of rhetoric right and left hour after hour, and wandered thunderously in a field of verbiage."

After remarking that Jerome, as compared with Delmas was almost tolerable, but occasionally no loss for the left. out occasionally no less fanciful and rhetorical than his opponent, the Standard proceeds: "Forensic oratory of such a kind is inconceivable in an English court. It would disgust judge and jury alike, and, if unmercifully allowed to run to its weedy end, would provoke bitter remonstrance what serves our purpose ought to be adopted in America. That would be as stupid as to suggest that what serves the purpose in America should be employed at the central criminal court. But what we pog-

rienced men can possibly be expected to give ear to such empty and windy rhetoric."

The Standard concludes: "It might be urged that America is a young nation, with all a young nation's love of embroidery, whether social, philosophical or verbal.

The wear were younger perhaps we should be able to compute better the chances of a 'hard-headed' American jury being persuaded by Messrs. Delmas and Jerome." GEN. DUGGAN RETIRED.

Col. Charles B. Hall, 18th Infantry, Advanced a Grade.

Brig. Gen. Walter T. Duggan, recently detached from duty in the Philippines, was today placed on the retired list of the army on account of age. He was born in the Isle of Man in April, 1843, and served as a private in Company B, 5th Wisconsin Infantry, during the first two years of the civil war, and then enlisted as a hospital steward in the regular army, serving in that capacity until January, 1867, when he was appointed second lieutenant, 10th Infantry. He became colonel of the 24th Infantry in October, 1902, but a few months later was transferred to the 1st Infantry, which he commanded until June, 1906, Month he was appointed brigadier general. Most of his recent service has been in the

of his recent service has been in the Philippines.

Col. Charles B. Hall of the 18th Infantry became a brigadier general today on the retirement of Gen. Duggan. Notwithstanding his promotion, Gen. Hall will retain his present station and duty in charge of the Military Staff College and the Infantry and Cavalry School at Fort Leavenworth, Kan. He is from Maine, and was a lieutenant in the 25th Maine Infantry during the civil war. Appointed a second lieutenant in the 28th regular Infantry in January, 1867, he became colonel of the 18th Infantry in August, 1903.

SAILED FOR HAMPTON ROADS. Fourteen Battleships Going to the

Jamestown Celebration. Having completed an elaborate program of exercises and target practice, the battleship division of the Atlantic fleet sailed away from the naval station at Guantanamo, Cuba, yesterday for Hampton roads, to participate in the ceremonies incident to the opening of the Jamestown exposition. The division is commanded by Rear Admiral Evans and consists of fourteen modern battleships as follows: Maine, flag ship Louisiana, Virginia, Missouri, Georgia, New Jersey, Rhode Island, Alabama, Illi-New Jersey, Rhode Island, Alabama, Illinois, Kearsarge, Kentucky, Ohio, Indiana and Iowa. These vessels will proceed in line formation direct to Hampton Roads, and are due there on the 16th instant, allowing five days for the cruise. There they will be joined by the battleships Connecticut and Minnesota, making sixteen battleships in all; by the station ships Brooklyn, Texas and Miantonomoh; by the cruisers Tennessee, Washington, St. Louis, Denver and Cleveland, and by two flotillas, each composed of six torpedo boats, making an aggregation of thirty-six warships of the various classes, and constituting the most powerful fleet ever assembled in the waters of the United States. of the United States.

SPEAKER CANNON

Leaves Tomorrow for His Home in Danville.

Speaker Cannon will leave tomorrow for his home in Danville, Ill., where he will put in the most of his time this summer. There is some spring plowing to be done and quite a lot of chores around the place that he intends to take off his coat and

Mr. Cannon's friends were saying today that he will probably, when he gets home, do up his presidential boom in moth paper and put it away in the cedar chest. They said that what with brainstorms, and five-million-dollar conspiracies and the like, this is not a favorable season for old-fashioned presidential booms and the Cannon boom will be laid aside until the wave of politi-

cal hysteria rolls by.

Mr. Cannon is described as not caring a continental (parlor phrase) about it, any-how, but is going to sit on his front porch with plenty of good cigars at hand and watch the fun from the shade, while the

other fellows do the perspiring. CHARGES OF BRIBERY.

President of the United Railroads

Promises a Statement. SAN FRANCISCO, April 11.-Patrick Calhoun, president of the United Railroads, has arrived here from the east, according to the Chronicle, and it is said has authorized the statement that he would give out an interview today in regard to the charges made against the company of bribery in connection with the trolley franchise. So far since his arrival he has been mute on the subject and has received no callers outside of susiness associates. This afternoon the grand jury will resume its inquiry into the Home telephone affairs. The examination of Judge John North yesterday, who was the attorney for the corporation at the time it received the franchise under question, did not throw any light on the case, but he will be reany light on the case, but he will be re-called by the prosecution.

The trial of Abraham Ruef on a charge of extortion will proceed this morning, when the examination of jurors will be

TO GO HARD WITH STUDENTS. Expulsion to Be Sequel to Recent

Theater Escapade.

special Dispatch to The Star. CAMBRIDGE, Mass., April 11.-Expulsion from Harvard is understood to be almost certain for the youths convicted of "rough house" at the Majestic Theater at the performance of "Brown of Harvard." A week from next Tuesday the Harvard administrative board will decide upon the students' cases at its regular meeting. Lee and Watson, who were fined in court, refused to say anything further than that they were at the place for the purpose of a good time, and not to make trouble. Lee said he regretted the notoriety into

which he had fallen. The Harvard Crimson, although condemning the rough house in every way, attempts to excuse it by arguing that the play reflected unfavorably upon the university. The Crimson said that it did not portray Harvard life in its true form. Some students agreed with the Crimson when it said: "There is a general feeling among undergraduates that it is taking more than a playwright's liberty to present on the stage a composite picture of many of the worst features of American colleges under the name of Harvard."

AMERICANS SENTENCED.

Convicted in London for Stealing Diamonds. special Cablegram to The Star.

LONDON, April 11.-Two Americans, W. H. Bruce and John Williams, were senenced at Brighton today to three years' imprisonment for stealing diamonds valued at \$15,000 from a jeweler's shop. Rebecc Harking, also American, was convicted of being an accomplice in the crime and was sentenced to two years.

She and Williams were recently concerned together in similar thefts in London. She in event of the former he will be black-

TO REMOVE THE SLUR

Weather.

night and tomorrow.

Fair and slightly warmer to-

Determination of War Department Officials.

UNIFORM TO BE DEFENDED

Proposed to Prosecute Acts of Discrimination.

RECENT CASE AT PLATTSBURG

Soldiers Denied Admission to a Skat-

ing Rink-Attorney General's

Opinion Requested.

The War Department is determined to pursue to the end of its legal resources the effort to remove the slur cast upon the uniform of the American soldier by the decision of the local magistrate at Plattsburg, N. Y., that Sergeant Higgins and the soldiers who accompanied him when they were refused admission to a public skating rink in that town had no case warranting the imposition of a penalty upon the proprietors of the place. Acting Secretary Oliver wrote a letter today to the Attorney General asking his help in the prosecution of this case. The letter states in detail the provisions of the bill of rights of the state of New York prohibiting discrimination against any person by keepers of places of entertainment, and the Attorney General is requested to give an opinion upon the point whether or not, the local magistrate having declared that the keepers of the rink were not subject to penal punishment, they still can be reached by a suit for monetary damages. In case of an affirmative answer the De-partment of Justice is requested to au-thorize the proper attorney for the United States to appear for the soldiers in the

Gen. Oliver's Statement.

In explanation of his request Acting Secretary Oliver says: "One who enters the military service, either by enlistment or appointment, agrees to submit to such restrictions upon his freedom of movement, occupation and contract as are incident to the status which he has thus voluntarily assumed. In doing so he voluntarily surrenders some of the rights and privileges of citizenship, but as to other privileges he makes no waiver or surrender; and it is clear that it is not within the power of the state, through its legislature or courts of justice, to deprive such officer or enlisted man of any of the rights of citizenship which remain in him or have been surrendered for the time being States in the operation of his appointment

or enlistment contract. "It hardly needs argument to show that such is the effect of the rule which permits the manager or owner of a place of public amusement or entertainment to exclude a soldier for the sole reason that he wears the uniform of his grade in the army. The disadvantage as compared with other citizens or residents of the jurisdiction which such rule is allowed to operate. unnecessarily humiliates members of an important and honorable branch of the public service, and it renders enlisted men dissatto that extent it increases the cost and adds to the difficulty of recruiting and maintaining the several branches of the line and staff, thus causing a needless and un-warranted expenditure of the public money, When Congress by appropriate acts of leg-islation creates a military establishment its enactments in that regard are intended and

"The discrimination against the officers or enlisted men composing such establishment which results from the legal or judicial acts of a state, in so far as it deprives them of the rights and privileges enjoyed by citizens generally who form no part of the military or naval establishment, wounds or injures their self-respect, breeds unnecessary dissatisfaction, and, to that extent, impairs the usefulness and diminishes the efficiency of the establishment so cre-

calculated to establish certain standards of

Legal Opinion Desired.

'An expression of opinion is desired as to whether an action for damages would lie against the proprietor of the skating rink in Plattsburg for excluding the enlisted men of the army from that place of amusement, under the circumstances hereinbefore described. If an action would lie, it is not expected, of course, that substantial damages would be awarded, but a judicial interpretation of the operations of sections 22a and 23 of the bill of rights would be obtained. and a verdict awarding nominal damages would operate to improve the conditions faction from arising among them due to what they conceive to be unjust dis-crimination on the part of proprietors

OCEAN STEAMSHIP MOVEMENTS.

SIASCONSET. Mass., April 11.-The steamer Potsdam, from Rotterdam and Bologne for New York, was in communication by wireless telegraph with the station her when passing Nantucket lightship at 9 a.m. Will probably dock about 8

a.m. Friday. The steamer Vaderland, from Antwerp for New York, was in communication by wireless telegraph with the station here when passing Nantucket lightship at 8:18 Will probably dock about 8 a.m. Fri-

Will Attack Two-Cent Fare. Special Dispatch to The Star.

LINCOLN, Neb., April 11.-That the Nebraska railroads intend to attack the twocent fare law in Nebraska seems apparent from the annual report of the Nebraska lines of Great Northern railroad, which has just been filed with the state board of equalization and which shows a loss of \$2,565 a mile over the 129 miles of road. has leaked from railroad circles that the fight would be made with that road on a basis, and if the railroads can show that the two-cent law cannot be put in effect on the Great Northern without practical con-

After Roosevelt.

CHICAGO, Ill., April 11 .- The President of the United States may find his name at the head of the "We Don't Patronize" list of the Chicago Federation of Labor if he falls to answer a telegram sent him by the executive committee of that organization ecord in regard to statements attributed to him to the effect that Haywood and Moyer, with Harriman. Hearst and Debs, are